

REMARKS

The present amendment is submitted in response to the Office Action mailed October 30, 2007.

Claims 5-8, 10, 12 and 18 stand rejected under 35 U.S.C. § 102(b) by Stablein and claims 11, 13, 16, 17 and 19 are rejected under 35 U.S.C. § 103 over Stablein. Stablein is directed to a controllable sealing system for a catheter. The system includes a controllable sleeve 1 which is inflatable upon introduction of gases or liquids 2. In use, "when the inner sealing system is closed, sensitive catheters can be guided, using a thin-walled tube to hold the sealing membrane open, through the external sealing system". (pg. 1, col 2, fifth pp of Stablein).

It is respectfully submitted that the present invention is patentable over Stablein. For example, Stablein fails to teach or suggest the recited "sealing member having an hourglass shape defining an open aperture in an initial condition thereof for the receipt of the instrument and arranged so that insertion of the instrument causes the aperture of the sealing member to expand to an expanded condition thereof and resiliently contact the outer surface of the instrument to form a substantial seal therewith". This initial "open" feature of the seal facilitates passage and removal of the surgical instrument through and from the cannula. As appreciated, relative ease of passage of the instrument through a cannula, particularly, the seal, is desirable in endoscopic or laparoscopic surgical applications. In contrast, as discussed hereinabove, with Stablein, the seal is closed in its initial state (when pressurized) as shown in FIG. 1B prior to insertion of an instrument. Thus, Stablein fails to meet the "initial open condition" of the seal member and, thus, fails to realize the benefits thereby attributed as discussed hereinabove. Assuming arguendo, that the "initial state" is the non-pressurized condition of FIG. 1A of Stablein, then the opening of the sealing sleeve 1 can not "expand to an expanded condition" as

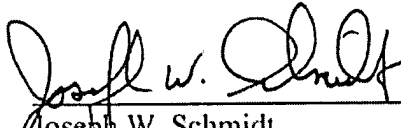
required by independent claim 5.

New claim 21 further recites that the "seal is non inflatable". This feature is also not taught or suggested by Stablein.

In view of the foregoing, withdrawal of these rejections is respectfully requested. Applicant respectfully requests reconsideration and allowance of the present application.

Should the Examiner desire a telephonic interview to resolve any outstanding matters, he is sincerely invited to contact the undersigned at (631) 501-5703.

Respectfully submitted,


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